

DRAFT RECLAMATION MANUAL RELEASE
Comments on this draft release must be submitted to
kwunderlich@do.usbr.gov by October 1, 2008.

Background and Purpose of the Following Draft Policy

The purpose of this new Policy document is to establish Reclamation-wide requirements for conducting water resources implementation studies – i.e., studies that investigate potential development of new water supplies and that may lead to recommendations to Congress. Reclamation is developing this Policy document to ensure that such studies are conducted as consistently and effectively as possible.

Reclamation is making this draft available for review and comment to ensure that anyone who is potentially affected by, or otherwise interested in, this Policy has an opportunity to provide input.

The Reclamation Manual is used to clarify program responsibility and authority and to document Reclamation-wide methods of doing business. All requirements in the Reclamation Manual are mandatory.

See the following pages for the draft Policy.

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CMP P06

Reclamation Manual

Policy

Subject: Water Resources Implementation Studies for Development of Water Supply

Purpose: Establish requirements for conducting pre-authorization water and related resources implementation studies (implementation studies) for development of water and related land resources to meet present and future needs. The benefit of this Policy is presentation of a proper, consistent, systematic, and efficient method by which the Bureau of Reclamation will conduct effective implementation studies and make sound recommendations.

Authority: The Reclamation Act of June 17, 1902 (32 Stat. 388, 43 U.S.C. 372, et seq.) and acts amendatory thereof and supplementary thereto; the Reclamation Project Act of 1939 (Act of August 4, 1939, ch. 418, 53 Stat. 1187); section 1 of the Flood Control Act of December 22, 1944 (ch. 665, 58 Stat. 887); the Fish and Wildlife Coordination Act of August 14, 1946 (ch. 965, 60 Stat. 1080); the Water Supply Act of June 3, 1958 (Title III of the River and Harbor, Flood Control, and Water Supply Act of 1958, Public Law. 85-500; 43 U.S.C. § 390b); the Federal Water Project Recreation Act of July 9, 1965 (P.L. 89-72, 79 Stat. 213); the Water Resources Planning Act of July 22, 1965 (P.L. 89-80, 79 Stat. 244); the Certain Study Costs Nonreimbursable Act of October 29, 1971 (P.L. 92-149; 85 Stat. 416); Title I of the Rural Water Supply Act of December 22, 2006 (P.L. 109-451).

Approving Official: Commissioner

Contact: Director, Policy and Program Services (PPS) (84-50000)

1. Introduction.

- A. Planning to address western water needs through development of water supply (traditionally known as “project planning”) was a principal reason for the creation of Reclamation, and was the predominant mission of the organization during much of its history. As a contemporary water resources management and development agency and a Federal steward of the Nation’s western water resources, Reclamation considers active participation in efforts to address water supply problems and opportunities to be a key strategic component necessary to fulfill its mission.¹ Reclamation conducts planning activities to identify and address unmet present and future water supply needs.

¹Reclamation’s mission is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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One step toward increasing supply, and the subject of this Policy, is to conduct implementation studies for the purpose of recommending to Congress the best possible plans consistent with the Federal objective.² See paragraph 4.C. for a description of the phases of an implementation study.

- B. This Policy will be implemented in concert with Reclamation Manual (RM) Directives and Standards (D&S), *General Requirements for Water Resources Implementation Studies* (CMP 05-06) and *Water Resources Implementation Studies - Feasibility Studies* (CMP 05-02).

2. **Applicability.**

- A. This Policy establishes responsibilities and requirements for conducting implementation studies to investigate the development of new water supplies that may result in recommendations to seek authorization from Congress to design and construct new or modify existing water resource infrastructure to serve the needs of a specific study area. In some cases, implementation studies may likewise conclude with a recommendation that new water supply be developed by non-structural means, such as, but not limited to, requesting congressional authorization for an additional or changed project purpose(s).
- B. This Policy does not establish requirements for planning studies associated with increasing water supply on projects already authorized by Congress and constructed. This includes studies focused on improved management of existing water resources, water use efficiency and optimization, water conservation, utilization of water banks, purchasing or leasing water, etc., when there is no need for congressional action.
- C. This Policy is also applicable to water resources implementation studies conducted under Reclamation's Rural Water Program. However, some procedural requirements, which include budgeting and review and approval of implementation studies and reports, differ for planning studies conducted under the Rural Water Program, and will be specifically governed by requirements established within the Rural Water Supply Act of 2006.
- D. This Policy is not applicable to studies and reporting requirements conducted under Reclamation's Title XVI program. See RM Policy, *Title XVI Water Reclamation and*

²The Federal objective of water and related land resources project planning is to contribute to national economic development consistent with protecting the Nation's environment, pursuant to national environmental statutes, applicable executive orders, and other Federal planning requirements (see chapter 1, section II in the *Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies*, U.S. Water Resources Council, March 10, 1983).

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Reuse Program Feasibility Study Review Process (WTR 11-01), for requirements related to the Title XVI Program.

3. **Responsibilities.**

- A. **Commissioner.** The Commissioner leads Reclamation's contributions to national economic development by initiating and supporting implementation study efforts among Reclamation, the Department of the Interior, the Executive Branch, and Congress. The Commissioner ensures implementation studies receive appropriate emphasis as a mission goal within Reclamation's overall strategic plan; approves implementation study reports and recommendations; submits recommendations through the Secretary of the Interior to Congress; and ensures implementation studies conform to Federal law, this Policy, and all other applicable RM releases.
 - B. **Regional Directors.** Regional directors coordinate with the water resources community within their regions to identify water supply problems and opportunities and determine priorities for implementation studies. They manage their region's implementation study efforts within Reclamation and among interested and affected Federal, state, local, tribal government entities; non-Federal study co-sponsors; customers; partners; stakeholders; and the general public. They budget for implementation studies; manage cost-sharing agreements; and ensure studies, reviews, reports, and recommendations conform to this Policy, directly related D&S, and other applicable RM releases. They will approve implementation study reports and recommendations and submit them to the Commissioner for approval. (See paragraph 3.C. below for additional requirements for implementation study reports and recommendations conducted under the Rural Water Program).
 - C. **Director, PPS.** The regional director will submit all implementation study reports and recommendations developed under the Rural Water Program to the Director, PPS, for review and approval. The Director, PPS, will then submit the same to the Commissioner for approval.
 - D. **Area Managers.** Area managers will be responsible for activities associated with implementation studies that are delegated to them by their regional director.
4. **Requirements for Implementation Studies.** Reclamation will, within its authority, identify and conduct implementation studies with the objective of recommending the best alternative plan to address problems and take advantage of opportunities to contribute to national economic development while protecting the environment. Reclamation implementation studies will generally be performed with one or more non-Federal co-sponsors who will share the costs, as described below. Implementation studies will be

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conducted in a consistent, systematic, and efficient manner, utilizing current and accepted water resources planning methods. A list of basic requirements for implementation studies follows.

- A. Implementation studies will be performed and documented to conform to applicable Federal law; Executive Orders; departmental policy; and RM requirements. All implementation studies will comply with the *Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies*, U.S. Water Resources Council, March 10, 1983, with a level of effort that is appropriate for the scope of each implementation study phase.
- B. Reclamation will collaborate with interested and affected state, tribal, and local entities, and our partners and other stakeholders throughout the implementation study.
- C. Implementation studies will be conducted throughout Reclamation in a proper, consistent, and systematic manner to ensure that the best alternative plans are identified, evaluated, and compared, and that implementation study reports provide the rationale to support sound decision making and recommendations. Normally, an implementation study will commence with an appraisal study that is conducted to determine if there is a potentially feasible alternative that includes a Federal interest. The appraisal study is typically followed by a feasibility study, if warranted at the conclusion of the appraisal study and authorized by Congress. The completed and approved feasibility study report will be the means by which Reclamation's implementation study recommendations will be made through the Secretary of the Interior to Congress.
- D. Cost-sharing agreements with the non-Federal co-sponsor of implementation studies will require the co-sponsors to provide at least 50 percent of the total implementation study costs,³ unless an exception is approved by the Commissioner, or otherwise directed by Congress. As a categorical exception to this requirement, the initial \$200,000 of costs for an appraisal study may be expended by Reclamation without co-sponsor cost sharing.
- E. Implementation studies will identify and clearly report significant risks and uncertainties so that decisions can be made with knowledge of the degree of reliability of the estimated benefits and costs and the effectiveness and efficiency of alternative plans.

³The 50-percent cost share will be in the form of funding, in-kind services, or a combination of both.

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- F. If an alternative is selected as the recommended alternative at the conclusion of the implementation study process (the recommendation of the feasibility study), it will normally be the alternative with the greatest net national economic development (NED) benefit consistent with protecting the Nation's environment. If the alternative selected to be recommended to Congress is not the one with the greatest net NED benefit, the implementation study report must identify significant and justifiable reasons for recommending another alternative. An exception from selecting the plan with the greatest net NED benefit must be approved by the Secretary of the Interior.
- G. In the event that a congressionally authorized feasibility study does not produce a viable alternative plan, the regional director will prepare a concluding report on that study to summarize the investigations conducted and explain the reason why no alternative was recommended for implementation, and otherwise provide closure to the implementation study.

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